

**FEDERAL PUBLIC DEFENDER**

NORTHERN DISTRICT OF CALIFORNIA  
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**BARRY J. PORTMAN**  
*Federal Public Defender*

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July 20, 2007

VIA FACSIMILE (510) 637-3545  
Magistrate Judge Wayne D. Brazil  
1301 Clay Street, Courtroom No. 4  
Oakland, CA 94612  
attn: Ivy Garcia

**United States v. David Shivers, CR 07-00346 SBA (WDB)**

**RE: Request to calendar case for 9/19/07 for requested modification to terms of release**

Dear Judge Brazil :

I am asking that this case be calendared on Wednesday, September 19, 2007, at 10:00 a.m. to ask that Mr. Shivers' conditions of release be modified to allow him to leave the half-way house and live at the residence of his significant other, Machita Williams, 6309 Baker Street, Apartment No. 1, Oakland, California, and their four children. Mr. Shivers has been in the half-way house since June 8, 2007. He has been leaving the half-way house to work and has had no violations or other problems since he was released there over three months ago.

United States Pretrial Services Officer Victoria Gibson has been notified of the request but I am unaware as to whether she objects to this request. SAUSA Derek Butts also has been notified and is available should the Court calendar the matter for Wednesday, September 19, 2007. SAUSA Butts objects to the request.

Sincerely,

BARRY J. PORTMAN  
Federal Public Defender  
/S/

JOYCE LEAVITT  
Assistant Federal Public Defender

cc: Derek Butts, SAUSA (fax no. (510) 620-6809)  
Victoria Gibson, US Pretrial Services